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Conyers and 71 Other Members File to Stop Warrantless Wiretapping Program

Late Wednesday, Congressman John Conyers, Jr. and 71 other Representatives filed papers seeking to end the President's warrantless eavesdropping program.

The members filed an amicus brief in two federal courts reviewing challenges to the National Security Agency's warrantless wiretapping program. The cases are American Civil Liberties Union v. NSA/CSS in Detroit, and Center for Constitutional Rights v. Bush in New York.

"It is very disturbing that, on the same day we learn that the NSA has been secretly collecting the phone records of tens of millions of Americans, we also learn that the Department of Justice has abruptly cancelled its investigation into the Agency's warrantless wiretapping program," said Congressman Conyers. "These developments clearly point to the urgent need for oversight and review of this program. Congress has failed to provide this critical oversight which has led us to the courts."

The brief argues that Congress never authorized the warrantless spying program, neither through the Foreign Intelligence Surveillance Act of 1978 nor the Authorization for Use of Military Force. It recounts the legislative history of both and asks the court to stop the program immediately.

"As our brief makes clear, this Congress dealt with this issue authoritatively almost 30 years ago – warrantless spying on American soil is flatly prohibited," said Rep. John Conyers, Jr., Ranking Member of the Judiciary Committee, one of the two Committees with jurisdiction over wiretapping laws.

"As members of Congress, we have a special interest in ensuring that the President faithfully executes the laws we have passed. The Church Committee spent years investigating the warrantless wiretapping of American citizens in the mid-1970s. After receiving testimony from hundreds of witnesses, issuing 14 reports and collecting over 50,000 pages of records, this Congress carefully crafted the Foreign Intelligence Surveillance Act. To this date, that law stands as the exclusive and exhaustive authority to wiretap Americans in the name of fighting terrorism," said Conyers.

The Administration is due to respond to the ACLU's and CCR's initial complaints and motions for summary judgment late next week.

Shayana Kadidal, a CCR staff attorney on the case, welcomed the support from Members of Congress: "This important brief reiterates that Congress made all warrantless spying illegal and the NSA is currently breaking the law. The brief explains that Congress did not declare open season for surveillance in America when it authorized war in Afghanistan. President Bush and General Hayden have admitted they are spying on Americans without warrants, and we will keep fighting in court to stop them."

"Today's support from so many leaders of our federal government show that Americans will not tolerate the government snooping into their calls and emails without court approval," said Ann Beeson, Associate Legal Director of the ACLU. "The American people should be proud to be represented by lawmakers who are so determined to uphold our most precious and basic values."

The brief was filed by Barry Coburn of Trout Cacheris, Hugh "Buck" Davis of the National Lawyers Guild and Dave Gourevitch of the Law Offices of David Gourevitch.

The following 72 Representatives are amici in the brief ([read brief here](#)):

John Conyers, Jr. of Michigan
Neil Abercrombie of Hawaii
Gary Ackerman of New York
Brian Baird of Washington
Tammy Baldwin of Wisconsin
Howard Berman of California
Shelley Berkley of Nevada
Earl Blumenauer of Oregon
Rick Boucher of Virginia
Corrine Brown of Florida
Michael Capuano of Massachusetts
Julia Carson of Indiana
William Lacy Clay of Missouri
Artur Davis of Alabama
Peter DeFazio of Oregon
Diana DeGette of Colorado
William Delahunt of Massachusetts
Sam Farr of California
Chaka Fattah of Pennsylvania
Barney Frank of Massachusetts
Al Green of Texas
Raul Grijalva of Arizona
Maurice Hinchey of New York
Ruben Hinojosa of Texas

Michael Honda of California
Jesse Jackson, Jr. of Illinois
Sheila Jackson Lee of Texas
Eddie Bernice Johnson of Texas
Stephanie Tubbs Jones of Ohio
Dale E. Kildee of Michigan
Carolyn C. Kilpatrick of Michigan
Dennis Kucinich of Ohio
Tom Lantos of California
Barbara Lee of California
Zoe Lofgren of California
John Lewis of Georgia
Carolyn Maloney of New York
Edward Markey of Massachusetts
Jim McDermott of Washington
James McGovern of Massachusetts
Martin Meehan of Massachusetts
George Miller of California
James Moran of Virginia
Jerrold Nadler of New York
Eleanor Holmes Norton of District of Columbia
James Oberstar of Minnesota
John Olver of Massachusetts

Major Owens of New York
Donald Payne of New Jersey
Charles Rangel of New York
Linda Sanchez of California
Bernard Sanders of Vermont
Janice Schakowsky of Illinois
Bobby Scott of Virginia
Jose Serrano of New York
Brad Sherman of California
Louise Slaughter of New York
Hilda Solis of California
Fortney Pete Stark of California
Bennie Thompson of Mississippi

John Tierney of Massachusetts
Tom Udall of New Mexico
Chris Van Hollen of Maryland
Debbie Wasserman Shultz of Florida
Melvin Watt of North Carolina
Maxine Waters of California
Diane Watson of California
Henry Waxman of California
Robert Wexler of Florida
Lynn Woolsey of California
David Wu of Oregon
Albert Russell Wynn of Maryland

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